

# **EXHIBIT E**

1 Mr. McCann. And then it didn't come -- I  
2 didn't have -- I've never had a personal  
3 discussion with Mr. McCann about this. It  
4 was relayed through attorneys and back.

5 Q. Okay. Now, there are five  
6 methodologies here. Which one are you  
7 endorsing?

8 A. None.

9 Q. You don't endorse any of them?

10 A. No, sir.

11 Q. Okay.

12 A. I used these methodologies  
13 because they were used by the industry. So I  
14 didn't want to impose a methodology that  
15 wasn't, you know, recognized or utilized by  
16 one or multiple distributors.

17 MR. NICHOLAS: Okay. Okay.

18 Let's take a break.

19 THE VIDEOGRAPHER: Going off  
20 the record at 12:46 p.m.

21 (Recess taken, 12:46 p.m. to  
22 1:30 p.m.)

23 THE VIDEOGRAPHER: We're back  
24 on the record at 1:30 p.m.

25 MR. FULLER: Counsel, I think

1       third paragraph from the top of the page, you  
2       say: The ARCOS data, defendant transactional  
3       data, and the SLCG reports generated  
4       therefrom are consistent with the types of  
5       data, facts, information, and reports I would  
6       typical rely on in conducting the analysis  
7       and reaching the opinions contained therein.

8                       Do you see that?

9               A.       I do, sir.

10              Q.       Now, is it your opinion that  
11       Dr. McCann's five threshold-based  
12       methodologies can be used to identify  
13       suspicious orders under Section 1301.74?

14                      MR. FULLER: Form, compound.

15              A.       You're asking this question  
16       about Dr. McCann in regards to this  
17       paragraph?

18       BY MR. EPPICH:

19              Q.       I can rephrase it.

20                      Is it your opinion that the  
21       five threshold-based methodologies used by  
22       Dr. McCann and cited by yourself, that those  
23       methodologies can be used to identify  
24       suspicious orders under Section 1301.74?

25              A.       No, I think my opinion is clear

1       that they aren't suitable suspicious order  
2       systems.

3               Q.       Is it your opinion that  
4       Dr. McCann's -- and I quote -- "flagged  
5       orders" are suspicious orders under  
6       Section 1301.74(b)?

7               A.       Are you jumping back to the  
8       methodologies?

9               Q.       I'm just asking you a question,  
10       sir.

11                       MR. FULLER: You can clarify  
12       the question if you don't understand.

13       BY MR. EPPICH:

14               Q.       But, yes, under the  
15       methodologies. Under the methodologies, yes,  
16       sir.

17               A.       No, those aren't suspicious  
18       orders under the methodologies. Those are  
19       dosage units.

20               Q.       While you were at the DEA, and  
21       the DEA was analyzing ARCOS data, did DEA use  
22       any of Dr. McCann's five methodologies to  
23       identify suspicious orders?

24               A.       When I was at the DEA?

25               Q.       Yes, sir.